

### **REMARKS**

This present response replaces the Amendment filed on November 20, 2006, in which the status identifier for claim 23 was incorrectly listed as "Previously Presented." The proper status identifier for claim 23 is "Currently Amended." Applicant made the appropriate correction in this response to the Notice of Non-Compliant Amendment. The present submission shows the claims with the appropriate status indicators.

The Office Action mailed May 18, 2006, was received and its contents carefully reviewed. Claims 1-3, 6-8 and 17-23 were pending.

In the above amendments, Applicant amended claims 1-3, 6-8, 17, and 19-23 to highlight additional features of the present invention, to add additional context to the claims, and to recite the system claims in a more conventional format. Applicant also added new claims 24-26 that recite systems and methods of practicing the present invention by translating mark-up data using specific steps. The features incorporated in the above amendments and new claims are disclosed in the original Specification at least starting on page 2, line 27 (paragraph [0011] of the published application); page 4, line 25 to page 5, line 11 (paragraph [0023] of the published application); page 9, line 15 (paragraph [0037]); starting on page 10, line 8 (paragraphs [0040-0061] of the published application) and throughout the Specification and Figures. Additionally, Applicant amended paragraphs [0013] and [0028] of the Specification to correct minor typographical errors in the disclosure.

Applicant respectfully submits that no new matter was introduced by these amendments and new claims. As now recited, claims 1-3, 6-8, and 17-23 remain pending and are believed to be in condition for allowance. Likewise, Applicant believes that the new claims 24-26 are also in condition for allowance. Applicant respectfully requests reconsideration of this application in light of the above amendments and the following remarks.

**A. Claim Rejections Under 35 U.S.C. § 101**

Claims 1-3, 6-8, 20, 21, and 23 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In the May 18, 2006, Office Action, the Examiner asserts that the claims are drawn to functional descriptive material not claimed as residing on a computer readable medium. Additionally, claims 1-3, 6-8, and 17-23 stand rejected as being directed to an abstract idea with no practical application. In view of the amendments above and the comments below, Applicant respectfully requests reconsideration and withdrawal of these rejections under 35 U.S.C. § 101.

In the May 18, 2006, Office Action, the Examiner asserts that the system recited in claims 1-3, 6-8, 20, 21, and 23 is drawn to functional descriptive material NOT claimed as residing on a computer readable medium. As noted above, Applicant amended claims 1-3, 6-8, 20, 21, and 23 to recite a system for forming integrated video and data content in a more conventional format. With respect, the system recited in claims 1-3, 6-8, 20, 21, and 23 is not required to be embodied on a “computer-readable medium” in order to make the claim statutory. For example, amended independent claim 1 now recites a display device, a prompting wizard, and a signal integrator and falls squarely into an enumerated category of patentable subject matter recited in section 101 (i.e., a machine). The claimed invention recited in amended independent claim 1 is a combination of devices that is directed to a machine. See MPEP § 2106 (IV)(B). As such, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1-3, 6-8, 20, 21, and 23 under 35 U.S.C. § 101.

Similarly, the Examiner also asserts that the claimed invention recited in claims 1-3, 6-8, and 17-23 is directed to an abstract idea with no practical application. As noted above, Applicant amended claims 1-3, 6-8, 20, 21, and 23 to recite a system for forming integrated video and data content in a more conventional format. The system recited in amended independent claim 1 produces a useful, tangible, and concrete result. That is, the display device, prompting wizard, and signal integrator are used to form integrated video and data content for display on the display device. The

displayed integrated video and data content is the useful, tangible, and concrete result. Likewise, method claims 17-19 also produce a useful, tangible, and concrete result. By performing the steps of amended independent method claim 17, a user creates interactive content for a television program on a first device. Similarly, amended independent method claim 19 recites steps for generating HTML pages for display on a display device as part of a television signal. The respective interactive content of claim 17 and the generated HTML pages of claim 19 are the useful, tangible, and concrete results. As such, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1-3, 6-8, and 17-23 under 35 U.S.C. § 101.

#### **B. Claim Rejections Under 35 U.S.C. § 102**

Claims 1 and 22 stand rejected under 35 U.S.C. 102(e) as being anticipated by Gupta et al. U.S. Patent Application Publication Number 2003/0196164, filed September 15, 1999 ("Gupta"). In view of the amendments above and the comments below, Applicant respectfully requests reconsideration and withdrawal of these rejections under 35 U.S.C. § 102(e).

The present invention relates to a system and method of generating web pages for use on interactive TV that allows non-experts to generate HTML and JavaScript code for various interfaces in an expedited fashion.

For example, amended independent claims 1 and 22 recite systems for forming integrated video and data content including a display device for displaying a video signal and a data signal, a prompting wizard to process data for creation of interactive television content, and a signal integrator to integrate the data signal into the video signal such that an integrated signal is formed for display on the display device. Amended independent claims 1 and 22 further recite that the prompting wizard includes a graphical user interface through which a user inputs data. The graphical user interface has a first prompt to identify the data to be input, a first input box to collect the input data as a wizard response, a second prompt to identify a time in the video signal at which the data is displayed, a second input box to collect the time, and an XML translator to translate the input data into XML. The input data is translated

into XML by writing an XML header to identify the XML data, writing an open XML tag, extracting the data provided by the prompting wizard into XML code, extracting the time at which the data was input as a wizard response, extracting the first prompt identifying the data to be input, extracting the data input as the wizard response, writing a closing XML tag, and writing an XML trailer. The data signal includes the XML data processed by the wizard.

The Gupta application, on the other hand, is directed to an annotation server that maintains annotations corresponding to different versions of the same multimedia content (see paragraph [0011] of the Gupta application). While, the Gupta application discloses a system and method for maintaining multiple annotations as an annotation collection corresponding to particular multimedia content, Gupta fails to disclose a system for forming integrated video and data content including a prompting wizard to process data for creation of interactive television content, and a signal integrator to integrate the data signal into the video signal such that an integrated signal is formed for display on the display device as recited in amended independent claims 1 and 22. Specifically, Gupta fails to disclose a prompting wizard with the graphical user interface through which a user inputs data having the elements recited in amended independent system claims 1 and 22. For example, in Gupta, there is no disclosure of an XML translator to translate the input data into XML data by performing the steps recited. Also, while the Examiner asserts that Gupta discloses a monitor that displays a data signal and a video signal, which inherently must be integrated, there is no mention in Gupta of an integrated data signal into the video signal wherein the data signal comprises the XML data processed by the wizard, as recited in amended independent claims 1 and 22. The specific characteristics of the integrated video signal, that is, the XML data processed by the wizard, are not disclosed in Gupta.

Instead, the Gupta application discloses a conventional monitor display device connected to the system bus of a computer (see paragraphs [0034-0039] of the Gupta application). There is no disclosure that the monitor used in Gupta displays an integrated data and video signal, much less an integrated data and video signal where

the data signal includes the XML data processed by the wizard as recited in amended independent claims 1 and 22 of the present application.

As such, Applicant respectfully submits that the Gupta application fails to disclose all of the features of amended independent claims 1 and 22 and thereby fails to anticipate amended independent claims 1 and 22 under 35 U.S.C. § 102(e). As such, Applicant respectfully submits that amended claims 1 and 22 are allowable over the Gupta application and requests reconsideration of amended independent claims 1 and 22 and withdrawal of the rejections under 35 U.S.C. § 102(e).

**C. Claim Rejections Under 35 U.S.C. § 103**

**1. Rejection of claims 2-3 and 6-8 as unpatentable over Gupta in view of Bayeh**

Claims 2-3, and 6-8 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over Gupta, and further in view of Bayeh et al. (U.S. Patent Number 6,012,098, filed February 23, 1998 (the Bayeh patent)). In view of the amendments above and the comments below, Applicant respectfully requests reconsideration and withdrawal of these rejections under 35 U.S.C. § 103(a).

Dependent claims 2, 3, and 6-8 are dependent upon amended independent claim 1, and thereby include all the limitations of independent claim 1, while reciting additional features of the present invention. As noted above, Applicant amended independent claim 1 to include limitations not disclosed by the Gupta application. Further, Applicant amended dependent claims 2, 3, and 6-8 above to include limitations not disclosed by either the Gupta application or the Bayeh patent, either alone, or in combination.

For example, amended dependent claim 2 recites the system for forming integrated video and data content of claim 1, wherein the translator processes the input data by generating an XML file comprising the input data by creating a comment header that identifies the file being prepared and comments; creating a JavaScript array that includes the first prompt and input data as a wizard response; creating a routine that displays a record based upon the JavaScript array that includes the first

prompt and input data as a wizard response; defining an HTML frame set structure identifying placement of the record on an HTML page; evoking an event handler to react to additional user input; and writing an HTML close tag to close the HTML file.

As outlined above with respect to amended independent claim 1, the Gupta application fails to disclose all of the features of amended independent claim 1 and thereby fails to disclose all of the features of amended dependent claim 2. While Bayeh discloses a system and method for using servlets to isolate the retrieval of data from the rendering of the data into a presentation format, Bayeh fails to cure the deficiencies of the Gupta application. That is, Bayeh does not disclose a system for forming integrated video and data content including a prompting wizard to process data for creation of interactive television content, and a signal integrator to integrate the data signal into the video signal such that an integrated signal including the XML data processed by the wizard is formed for display on the display device as recited in amended independent claim 1. Specifically, Bayeh fails to disclose an XML translator to translate the input data into XML data by writing an XML header to identify the XML data, writing an open top level XML tag, extracting the data provided by the prompting wizard into XML code, extracting the time at which the data was input as a wizard response, extracting the first prompt identifying the data to be input, extracting the data input as the wizard response, writing a closing top level XML tag, and writing an XML trailer. Additionally, in the Bayeh patent, there is no disclosure of an integrated data and video signal wherein the data signal comprises the XML data processed by the wizard.

Accordingly, with the dependency of claims 2, 3, and 6-8 on amended independent claim 1, the cited references, either alone or in combination, fail to disclose all of these features as recited in amended claims 2, 3, and 6-8. Applicant respectfully submits that the references thereby fail to render amended claims 2, 3, and 6-8, obvious under 35 U.S.C. § 103(a) and that these claims are likewise in proper condition for allowance. Applicant respectfully requests the reconsideration of claims 2, 3, and 6-8 and the withdrawal of the rejection under 35 U.S.C. § 103(a).

2. Rejection of claims 17-19 as unpatentable over Gupta in view of Bayeh and further in view of Logan.

Claims 17-19 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over Gupta, and further in view of Bayeh, and further in view of Logan (U.S. Patent Application Number 2003/0093790, priority date March 28, 2000 (“Logan”). In view of the amendments above and the comments below, Applicant respectfully requests reconsideration and withdrawal of these rejections under 35 U.S.C. § 103(a).

Applicant amended independent claims 17 and 19 above to recite additional steps not disclosed in the cited prior art. For example, amended independent claim 17 of the present application recites a method of creating interactive content for a television program. The method recited in amended independent claim 17 includes selecting a frame during said television program to display content at a position in the television program; capturing the content using a graphical interface, translating said content into an XML code segment, an XML map segment, and an XML questions and answers segment, parsing said XML code segment, XML map segment, and XML questions and answers segment into HTML code and JavaScript using a first XSL parser; transferring the XML code segment, XML map segment, XML questions and answers segment, HTML code, and JavaScript to a server; accessing the server using an interface box; integrating the HTML code at the selected frame to integrate the HTML code and the display content into the television program such that an integrated program signal is formed; and displaying said integrated HTML code with said display content in the television program in an interactive fashion on a first device.

None of the cited references, either alone or in combination, discloses the features of amended independent claim 17. Namely, the Gupta, Bayeh, and Logan references fail to disclose “translating said content into an XML code segment, an XML map segment, and an XML questions and answers segment; parsing said XML code segment, XML map segment, and XML questions and answers segment into HTML code and JavaScript using a first XSL parser; and transferring the XML code

segment, XML map segment, XML questions and answers segment, HTML code, and JavaScript to a server.

Applicant likewise amended independent method claim 19 to include similar steps recited in amended independent method claim 17, namely the recited steps of translating the content information into an XML code segment, an XML map segment, and an XML questions and answers segment and converting the XML code segment, XML map segment, and XML questions and answers segment into HTML code for a first interactive television system using a first XSL parser are not disclosed by Gupta, Bayeh, or Logan, either alone or in combination.

Because the cited references, either alone or in combination, fail to disclose all of these features as recited in amended independent method claims 17 and 19, the references thereby fail to render amended independent claims 17 and 19 obvious under 35 U.S.C. § 103(a). As such, Applicant respectfully asserts that amended independent claims 17 and 19 are patentable over the combination of references cited. Applicant respectfully requests reconsideration of amended independent claims 17 and 19 and withdrawal of the rejection under 35 U.S.C. § 103(a).

Dependent claim 18 is dependent upon amended independent claim 17, and thereby includes all the limitations of independent claim 17, while reciting additional features of the present invention. As noted above, Applicant amended independent claim 17 to include limitations not disclosed by Gupta, Bayeh, or Logan. Accordingly, with the dependency of claim 18 on amended independent claim 17, Applicant respectfully submits that this claim is likewise in proper condition for allowance and respectfully requests the reconsideration of claim 18 and the withdrawal of the rejection under 35 U.S.C. § 103(a).

3. Rejection of claims 17-19 as unpatentable over Gupta in view of Applicant's Admitted Prior Art.

Claims 20, 21, and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gupta as applied to claim 1 above, and further in view of Applicant's Admitted Prior Art. In view of the amendments above and the comments



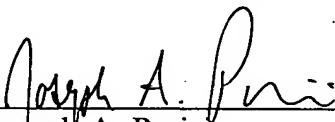
below, Applicant respectfully requests reconsideration and withdrawal of these rejections under 35 U.S.C. § 103(a).

Dependent claims 20, 21, and 23 are dependent upon amended independent claim 1, and thereby include all the limitations of independent claim 1, while reciting additional features of the present invention. As noted above, Applicant amended independent claim 1 to include limitations not disclosed by Gupta. Accordingly, with the dependency of claims 20, 21, and 23 on amended independent claim 1, Applicant respectfully submits that these claims are likewise in proper condition for allowance and respectfully requests the reconsideration of claims 20, 21, and 23 and the withdrawal of the rejection under 35 U.S.C. § 103(a).

#### **D. Conclusion**

Applicant respectfully requests that the Examiner reconsider and withdraw the rejections of record and allow claims 1-3, 6-8, 17-23, and 24-26 in the present application to issue. If the Examiner believes that a conference would be beneficial in expediting the prosecution of the present application, Applicant invites the Examiner to telephone counsel to arrange such a conference.

Respectfully submitted,

  
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